

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

In re: Chapter 13

ANTHONY M. PARKS AND
W. DENISE PARKS,
Debtor(s)

Case No. 17-51795-AEC

ONEMAIN FINANCIAL SERVICES,
Movant

v.

ANTHONY M. PARKS AND
W. DENISE PARKS,
Respondent(s)

OBJECTION TO CONFIRMATION OF DEBTOR(S) CHAPTER 13 PLAN

COMES NOW, ONEMAIN FINANCIAL SERVICES and files this objection to the confirmation of the above-styled debtor(s) Chapter 13 plan as proposed and respectfully shows the Court the following:

1.

This proceeding arises under 11 U.S.C. Chapter 13 of the Bankruptcy Code on the petition filed by the debtor(s) on August 22, 2017.

2.

OneMain Financial Services, is a secured creditor, secured by a 2000 Toyota Tacoma, as evidenced by the Proof of Claim and supporting documents filed with the Court.

3.

Movant, OneMain Financial Services, shows the debtor(s) has/have proposed to pay its claim as a secured claim on a value of \$3,225.00 payable at the rate of \$58.00 per month, plus 3% interest.

4.

The Movant herein asserts the debtor(s) has/have failed to properly value the collateral in which it holds a security interest, with the Movant and creditor herein objecting to the debtor(s) valuation thereon and asserting its collateral is of a value equal to or in excess of \$7,175.00.

5.

The Movant asserts it does not have adequate protection under the debtor(s) plan as proposed for its secured interest in the property as set forth herein and in the Movant's Proof of Claim and supporting documents.

6.

OneMain Financial Services asserts its collateral is depreciating over use and time and at a rate in excess of the payments as provided under debtor(s) plan.

7.

Said creditor objects to the confirmation of the Chapter 13 plan on the grounds that the plan:

- (a) Does not comply with the provisions of Chapter 13 of the Bankruptcy Code;
- (b) Does not comply with the provisions necessary as set forth in 11 U.S.C. Section 1325;
- (c) Is not in compliance with Section 1322 of the Bankruptcy Code;
- (d) Has not been proposed in good faith;
- (e) Attempts to modify the rights of a holder of a secured claim and fails to properly protect the claim of a creditor;
- (f) Fails to adequately provide for a plan, which will give the creditor the same or equivalent benefits that it would receive under a Chapter 7 liquidation.

WHEREFORE, OneMain Financial Services, respectfully requests:

- (a) That this, its objection be allowed;
- (b) That debtor(s) Chapter 13 plan as proposed be denied confirmation;
- (c) That should the debtor(s) Chapter 13 plan as proposed be approved, it shall be subject to the debtor(s) returning to the Movant herein all the property held by the petitioner as collateral;

(d) That Movant be granted attorney's fees for the prosecution of this action; and

(e) That Movant have such other and further relief as is just and proper.

/s/ Emmett L. Goodman, Jr.
EMMETT L. GOODMAN, JR.
Attorney for OneMain Financial Services

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CERTIFICATE OF SERVICE

I, Emmett L. Goodman, Jr., do certify that I have served the debtor(s), debtor's(s') attorney, and the Chapter 13 Trustee with a true and correct copy of the within and foregoing Objection to Confirmation by depositing a copy of the same to each in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Mr. Anthony M. Parks
Ms. W. Denise Parks
148 Hopewell Church Road
Milledgeville GA 31061

Ms. Sharon R. Jones
Attorney At Law
187 Roberson Mill Road
Milledgeville GA 31061

Ms. Camille Hope
Chapter 13 Trustee
P. O. Box 954
Macon GA 31202

Dated: September 22, 2017.

/s/ Emmett L. Goodman, Jr.
EMMETT L. GOODMAN, JR.
Attorney for Movant

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